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REMARKS

Summary of Claim Amendments:

Applicant has cancelled claims 49 and 50, since they were duplicative of claims 1 and 41, respectively.

3. 35 USC §112 Rejection:

4. Claims 1-10, 41-46, 49 and 50 were rejected under 35 USC Section 112, first paragraph, as failing to comply with the written description requirement. The Examiner believes that the claim language in claims 1, 41, 49 and 50 reciting "from 2.0 to 25" and the 0.1 to about 50 parts by weight of pH adjusters, biocides, etc. is considered new matter.

Applicant respectfully disagrees. With respect to the claim language "about 0.1 to about 50 parts by weight," Applicant's specification specifically teaches (page 11, line 5 to page 12, line 2) (emphasis added):

The inventive aqueous fluid compositions contain one or more of the following components: organic liquids, absorbent particles, surfactants, surface active agents, dispersion stabilizing additives, static reducing additives, dust suppressing additives, vacuum retrieval additives, metal ion chelators, stain resist agents, pH adjusters, fragrance, biocides, and aerosol propellants. Aerosol propellants may be utilized to assist in providing a cleaning composition that is a stable, sprayable dispersion or that is an easily redispersed (such as by shaking the composition) composition suitable for spraying. These components of the inventive aqueous fluid composition may be present in the inventive composition in any of a number of combinations; as may be determined by the specific end-use of the inventive composition.

It may be ideal that the cleaning formulation is comprised of less than about 75 parts by weight of an absorbent particulate and at least about 35 parts by weight water, wherein the water may also contain a surfactant sufficient to provide a surface tension of less than about 40 dynes per centimeter. It may be more preferable that the cleaning composition is comprised of less than about 50 parts by weight of an absorbent particulate. Further, it may be preferable that the cleaning formulation is comprised of at least 50 parts by weight water, and even more preferable, at least 75 parts by weight water, wherein the water may also contain a surfactant sufficient to provide a surface tension of less than about 40 dynes per centimeter. The other various additives and liquids that may be included in the cleaning composition, such as dispersion stabilizers, vacuum retrieval additives, organic liquids, etc., may be present in amounts from about 0.01 to about 50 parts by weight.

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Further support of this claim language is provided by the Examples. For instance, the Examples teach parts for these components having values of 0.01, 0.011, 0.014, 0.016, 0.02, 0.046, 0.057, 0.065, 0.07, 0.09, 0.1, 0.15, 0.2, 0.3, 0.558, 0.692, 0.75, 0.79, 0.8, 0.88, 1.0, 1.5, 2.0, 2.25, 2.3, 2.4, 4.5, 6.75, and 10 (see Examples section beginning on page 22).

With regard to "from 2.0 to 25 parts by weight of at least one absorbent particulate," this claim language is taught by the instant application according to the following:

Example No.	Parts by Weight of Absorbent Particulate
5A	2.00
5B	10.00
5C	20.00
6A-6D	15.00
7A-7G	15.00
8A-8D	15.00
9A-9F	15.00
3E	25.8

Additionally, the instant specification clearly teaches the continuous range of "less than about 50 parts by weight of an absorbent particulate": (page 11, lines 19-21):

It may be more preferable that the cleaning composition is comprised of less than about 50 parts by weight of an absorbent particulate.

Accordingly, Applicant respectfully submits that the claim language at issue does not present new matter and that adequate support for the claimed ranges is found within Applicant's specification. Reconsideration and withdrawal of this rejection is thus earnestly requested.

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5. 35 USC §103 (a) Rejections:

6. Claims 1 and 49 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman (USPN 4,493,781) and Scialla et al. (USPN 5,928,384).

Examiner's Arguments

The Examiner submits that Froehlich et al. teach methods of cleaning carpets where compositions comprising 30-90% particulate polymeric urea-formaldehyde having a particle size of 10-105 microns and a oil absorption value of no less than 90, and about 10-70% fluid, wherein the fluid is up to 100% water and the water contains sufficient surfactant to give a surface tension of less than 40 dynes per centimeter (col. 1, lines 40-52; col. 2, lines 40-50; col. 4, lines 1-4), and optionally dust suppressants (col. 3, lines 45-58) and up to about 1% of optical brightening agents and mildewcides (col. 7, lines 5-10) are applied to carpets. Froehlich et al. further teach methods of agitated into the carpet, dried and removed by vacuum cleaner (col. 5, lines 45-55).

The Examiner submits that Froehlich et al. does not teach clays as a component of the composition. The Examiner cites Chapman for a teaching of clays. The Examiner submits that Chapman is in the analogous art of carpet cleaning and teaches conventional powdered carpet cleaning compositions which include clays such as bentonite, kaolin and like as brightening agents (col. 5, lines 1-15).

The Examiner submits that Scialla et al. teach the functional equivalence of powdered and liquid carpet cleaning compositions (col. 8, lines 20-30).

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the compositions and methods of Froehlich et al. by encompassing the brightening clays taught by Chapman et al. because Chapman et al. teach these compounds as effective in brightening carpets in powdered carpet cleaning formulations. Furthermore, Froehlich et al. invited the inclusion of additives including brightening agents. It would have been obvious to modify the methods of Froehlich by using liquid formulations instead of powdered because Scialla et al. teach the functional equivalence of powders and liquids in cleaning carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

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Applicant's Arguments

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

The Examiner states that Chapman teaches clays for "brightening agents" and that Froehlich invite the inclusion of additives including brightening agents. The Examiner further states that the intended use of the clay compounds is given little patentable weight.

Applicant respectfully disagrees with the Examiner's rejection. While Chapman includes the use of clay compounds in its composition, Applicant respectfully submits that one having ordinary skill in the art would not be motivated to include clay compounds in their own composition as dispersion stabilizing agents. This is due to the fact that brightening compounds and compounds that stabilize liquid cleaning solutions are not the same, or even closely related, properties. Clay compounds are included in the composition of the instant invention as dispersion stabilizing agents (see claim 1, part b, iii), which are included in an amount sufficient to produce a stable or easily redispersed dispersion. As such, Applicant respectfully submits that the inclusion of clay compounds, as recited by the present claims, is not obvious over the combination of Froehlich, Chapman and Scialla.

Further, Applicant respectfully asks: What motivation exists to one having ordinary skill in the art to read "clay compounds" as brightening agents in Chapman's patent and lead one to believe that these compounds would be useful for stabilizing a liquid dispersion composition? Applicant respectfully submits that there is none.

The Examiner asserts that Froehlich discloses that brightening agents may be included in its composition. However, Froehlich fails to provide any examples of such agents (col. 7, lines 8-10). Bleach could be used. But, would bleach be a suitable dispersion stabilizing agent? Applicant respectfully suggests that the answer would be "no." Thus, Applicant respectfully submits that the teaching by Froehlich of brightening agents being incorporated into its composition cannot be used in making an obviousness rejection over the instant claims.

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Accordingly, Applicant respectfully submits that the Examiner's rejection of the claims based upon teachings of clay compounds as "brightening agents" is improper and misplaced. Applicant further believes that there is no reasonable expectation of success in making the Examiner's combination of Froehlich and Chapman, based on this reasoning.

The Examiner further includes Scialla (col. 8, lines 20-30) for a teaching of powdered and liquid carpet cleaning compositions, based on the assertion that powdered and liquid carpet cleaning compositions are functionally equivalent. Applicant respectfully submits that such an assertion is unfounded and improper.

The Examiner cites Scialla for the following teaching (col. 8, lines 20-30):

...has been rubbed or/and brushed, said composition is removed from said carpet, preferably by mechanical means including brushing out or/and vacuum cleaning.

The compositions for the cleaning of carpets according to the present invention may be applied to the carpet to be cleaned either in neat or diluted form, this applies to compositions being either liquid compositions or granular compositions or powdered compositions. By "diluted form" it is meant herein that the compositions for the cleaning of carpets as described herein before may be diluted by the user, preferably with water. Compositions...

Applicant respectfully asks: How does this citation provides a teaching that powdered and liquid carpet cleaning compositions are functionally equivalent? Applicant respectfully submits that it does not. Rather, Scialla teaches methods for cleaning carpets using a composition that may be in liquid or granular form, said composition comprising organic chelators and soil suspending polycarboxylate or polyamine polymers (Abstract). Scialla further teach that if the composition contains a source of active oxygen, then the composition is provided in liquid form (col. 5, lines 23-42). Furthermore, Scialla teaches that these liquid compositions are "stable" and do not require pH adjusters. Applicant respectfully submits that this disclosure provides evidence that Scialla does not teach that solid and liquid cleaning compositions are functionally equivalent.

Accordingly, Applicant respectfully submits that Scialla does not provide a teaching that solid and liquid cleaning compositions are functionally equivalent. As such, Applicant respectfully submits

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that that there is no reasonable expectation of success in making the combination or modification proposed by the Examiner and arriving at the instantly claimed invention.

Furthermore, Applicant respectfully submits that the combination of Froehlich and Chapman teach powdered cleaning compositions (see Title; Abstract; Examples). Applicant respectfully submits that there is no teaching by the combination of Froehlich and Chapman of modifying these references, which teach the use of powdered cleaning compositions, to create a method for cleaning textiles substrates using liquid cleaning compositions as claimed by Applicant, even in light of the teachings of Scialla. Thus, Applicant respectfully submits that all of the claim limitations have not been considered, as required by MPEP 2143.

Furthermore, Applicant previously amended the independent claims to recite the presence of absorbent particulates in amounts ranging from 2.0 to 25 parts by weight and water in amounts greater than 75 parts by weight, as part of Applicant's liquid cleaning composition. Applicant respectfully asserts that these amounts are not taught or fairly suggested by the combination of references. Froehlich teaches urea formaldehyde in amounts ranging from 30-90% and fluids in amounts ranging from 10-70%. Applicant respectfully submits that Chapman and Scialla fail to provide for the deficiencies of Froehlich in this regard. Thus, Applicant respectfully submits that the combination of Froehlich, Chapman and Scialla fail to teach all the limitations of Applicant's claimed invention.

The Examiner states that it is well documented that both liquid and powder carpet cleaning compositions may be used to clean carpets. The Examiner further states that, whether liquid or powder, the compositions comprise "similar components at similarly claimed percentages."

Applicant respectfully disagrees with the Examiner's implication that there is little difference between liquid and powder cleaning compositions. Applicant has clearly shown, by a plethora of explicit Examples in the instant specification, that one having ordinary skill in the art cannot merely take an existing powdered cleaning composition, add water to it, and successfully arrive at a liquid cleaning composition.

Applicant's specification clearly illustrates the work involved to create a unique formulation that successfully removes soil from carpet and that provides many improvements over the prior art by improving, without limitation, (a) the convenience of applying a cleaning composition, (b) the cleaning efficiency of the cleaning composition, (c) the time a cleaned textile is wet, and (d) the

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reduction of the resoil rate caused by residual cleaning composition (instant specification: page 52, lines 16-23). Thus, Applicant respectfully submits that the Examiner has not recognized or understood these differences and respectfully requests reconsideration and withdrawal of this rejection.

Additionally, Applicant respectfully disagrees with the Examiner's interpretation that Froehlich's teaching of "about 30%" reads upon Applicant's claimed limitation of "from 2.0 to 25 parts by weight of at least one absorbent particulate. While the word "about" generally allows some flexibility in the value it precedes, Applicant respectfully submits that the instant claims do not fall within the range taught by Froehlich. As such, Applicant respectfully request reconsideration and withdrawal of this rejection.

Accordingly, Applicant respectfully submits that the combination of Froehlich in view of Chapman and Scialla fails to provide a *prima facie* case of obviousness, since (a) there is no motivation or suggestion to combine the references, (b) there is no reasonable expectation of success, even if the combination is made, and (c) all claim limitations have not been considered, as required by MPEP 2143. Reconsideration and withdrawal of this rejection is earnestly and respectfully requested.

7. Claims 2, 8, 9 and 10 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5,928,384), as applied to the claims above, and further in view of Roberts et al. (USPN 6,125,498).

The Examiner relies on Froehlich, Chapman and Scialla as set forth above. The Examiner submits Froehlich, Chapman and Scialla do not teach carpet cleaning machines which are battery operated and relies on Roberts for such a teaching. More specifically, the Examiner submits that Roberts et al., in the analogous art of carpet and upholstery cleaning (col. 4, lines 33-35 and col. 9, lines 63-67), teach handheld carpet and upholstery cleaning machines which are battery operated (col. 3, lines 29-33), wherein the liquid cleaner is dispensed from a spray nozzle and applied by a squeegee or brush (col. 2, lines 1-6 and 33-50).

Thus, the Examiner contends that it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the methods of Froehlich, Chapman and Scialla by

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adding the carpet/upholstery cleaning machine taught by Roberts because Roberts teaches the improved carpet cleaning benefits provided by hand held cleaning machines. One of ordinary skill in the art would have been motivated to combine the teaching of the references absent unexpected results.

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al., and Scialla et al. Applicant further submits that Roberts et al. fail to provide for these deficiencies in that Roberts et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicant respectfully submits that the combination of Froehlich in view of Chapman, Scialla and Roberts fails to provide a *prima facie* case of obviousness, since (a) there is no motivation or suggestion to combine the references, (b) there is no reasonable expectation of success, even if the combination is made, and (c) all claim limitations have not been considered, as required by MPEP 2143. Applicant further respectfully submits that the combination of references fails to teach the limitations recited by independent claim 1. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicant respectfully submits that the obviousness rejection of claims 2, 8, 9 and 10 is improper and should not be maintained. Reconsideration and withdrawal of this rejection is earnestly and respectfully requested.

8. Claims 3-6 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5,928,384), as applied to the claims above, and further in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>).

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The Examiner relies upon Froehlich et al., Chapman et al. and Scialla et al. as set forth above. The Examiner submits that Froehlich et al., Chapman et al., and Scialla et al. do not teach one gallon containers with removable caps and synthetic applicators with tips for dispensing the compositions.

However, the Examiner contends that shoplet.com teaches that carpet cleaners currently on the market, such as Resolve® Spot Magic®, are conventionally sold in aerosol cans with detachable caps, nozzles with openings, and canisters with a volume of less than 1 gallon (in this case 14 oz.). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al., Chapman et al., and Scialla et al. into the canisters demonstrated by shoplet.com for dispensing since this is conventionally known in the art to be an effective method for packaging and dispensing of the composition onto carpets. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al. and Scialla et al. Applicant further submits that shoplet.com fail to provide for these deficiencies in that shoplet.com fails to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicant respectfully asserts that the combination of references fail to teach the step of applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Accordingly, Applicant respectfully submits that the combination of Froehlich in view of Chapman, Scialla and shoplet.com fails to provide a *prima facie* case of obviousness, since (a) there is no motivation or suggestion to combine the references, (b) there is no reasonable expectation of success, even if the combination is made, and (c) all claim limitations have not been considered, as required by MPEP 2143. Applicant further respectfully submits that the combination of

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references fails to teach the limitations recited by independent claim 1. Since the rejected claims each depend either directly or indirectly from independent claim 1, Applicant respectfully submits that the obviousness rejection of claims 3-6 is improper and should not be maintained. Reconsideration and withdrawal of this rejection is earnestly and respectfully requested.

9. Claims 7, 41-46 and 50 were rejected under 35 USC §103 (a) as being unpatentable over Froehlich et al. (USPN 4,013,594) in view of Chapman et al. (USPN 4,493,781) and Scialla et al. (USPN 5, 928,384), as applied to the claims above, and further in view of shoplet.com (<http://www.biochem.ucl.ac.uk/bsm/enzymes/ec3/ec01/ec0074/index.html>) as applied to the claims above, and further in view of Hoxie (USPN 3,184,781).

The Examiner relies on Froehlich et al., Chapman et al., Scialla et al. and shoplet.com as set forth above. The Examiner submits that this combination fails to teach foam or bristle scrubbing mechanisms. Thus, the Examiner relies upon Hoxie, in the analogous art of upholstery shampooers (col. 2, lines 7-9) for a teaching of attachable heads for aerosol cans (col. 1, lines 23-25) which have bristles and sponge foams (col. 3, lines 6-73). Thus, the Examiner submits that it would have been obvious to one of ordinary skill in the art to incorporate the cleaning solutions taught by Froehlich et al., Chapman et al., and Scialla et al. into the canisters demonstrated by shoplet.com for dispensing with the caps taught by Hoxie et al. for scrubbing since this is conventionally known in the art to be an effective method for packaging, dispensing and utilizing the composition to provide maximal cleaning benefits to carpets and upholstery. One of ordinary skill in the art would have been motivated to combine the teachings of the references absent unexpected results.

In order to establish a *prima facie* case of obviousness, MPEP 2143 states that (a) there must be a motivation or suggestion to combine [or modify] the references, (b) there must be a reasonable expectation of success if the combination or modification is made, and (c) all the claim limitations must be considered. Applicant respectfully submits that (a) – (c) have not been met; and therefore, the instant claims are not obvious in light of the prior art.

Applicant relies on the discussion presented above with regard to the deficiencies of Froehlich et al., Chapman et al., Scialla et al., and shoplet.com. Applicant further submits that Hoxie et al. fail to provide for these deficiencies in that Hoxie et al. fail to teach a method for cleaning a textile substrate which includes the steps as recited by the instant claims. More specifically, and at the very least, Applicant respectfully asserts that the combination of references fail to teach the step of

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applying a liquid cleaning composition to a soiled textile substrate, wherein the liquid cleaning composition includes from 2 to 25 parts by weight of an absorbent particulate and at least 75 parts by weight water.

Furthermore, Applicant respectfully submits that the Examiner has improperly invoked hindsight reconstruction in making this rejection. In *re Fritch*, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992) states that "It is impermissible to use the claimed invention as an instruction manual or 'template' to piece together the teachings of the prior art so that the claimed invention is rendered obvious." Further case law states that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. See *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

Applicants respectfully believe that the Examiner has chosen the available limitations taught by the combination of five (5) references – Froehlich et al. in view of Chapman, further in view of Scialla and shoplet.com, and further in view of Hoxie – and asserted the theory that all other limitations are merely an obvious variation of those references. In *re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) states that "The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on Applicant's disclosure." Applicants respectfully submit that there is no reasonable expectation of success in making the claimed combination from the teachings of the prior art when the prior art teachings include many other required components in their cleaning compositions. What motivation is provided to remove those components and arrive at the cleaning composition of the instant claims? Applicants respectfully submit that there is none.

Accordingly, Applicant respectfully submits that the combination of Froehlich in view of Chapman, Scialla, shoplet.com and Hoxie fails to provide a *prima facie* case of obviousness, since (a) there is no motivation or suggestion to combine the references, (b) there is no reasonable expectation of success, even if the combination is made, and (c) all claim limitations have not been considered, as required by MPEP 2143. Applicant further respectfully submits that the combination of references fails to teach the limitations recited by independent claims 1, 41 and 50. Since the rejected dependent claims each depend either directly or indirectly from independent claims 1 or 41, Applicant respectfully submits that the obviousness rejection of claims 7, 41-46 and 50 is improper and should not be maintained. Reconsideration and withdrawal of this rejection is earnestly and respectfully requested.

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Conclusion:

For the reasons set forth above, it is respectfully submitted that claims 1-10 and 41-46 now stand in condition for allowance.

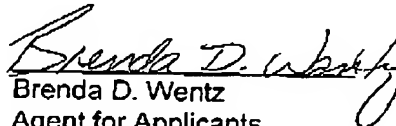
Should any issues remain after consideration of these Amendments and accompanying Remarks, the Examiner is invited and encouraged to telephone the undersigned in the hope that any such issue may be promptly and satisfactorily resolved.

In the event that there are additional fees associated with the submission of these papers, authorization is hereby provided to withdraw such fees from Deposit Account No. 04-0500.

Respectfully requested,

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Milliken & Company
Legal Department, M-495
920 Milliken Road
PO Box 1926
Spartanburg, SC 29304


Brenda D. Wentz
Agent for Applicants
Registration Number: 48,643
(864) 503-1597